

IN THE U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BAO XUYEN LE, INDIVIDUALLY, and  
as the Court appointed PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF TOMMY LE, HOAI "SUNNY" LE,  
Tommy Le's Father, DIEU HO, Tommy  
Le's Mother, UYEN LE and BAO XUYEN  
LE, Tommy Le's Aunts, KIM TUYET LE,  
Tommy Le's Grandmother, and QUOC  
NGUYEN, TAM NGUYEN, DUNG  
NGUYEN, JULIA NGUYEN AND  
JEFFERSON NGUYEN, Tommy Le's  
Siblings,

Plaintiffs,

v.

JOHN URQUART, the former KING  
COUNTY SHERIFF, DOW  
CONSTANTINE the MARTIN LUTHER  
KING JR. COUNTY EXECUTIVE,  
MARTIN LUTHER KING JR. COUNTY  
as sub-division of the STATE of  
WASHINGTON, KING COUNTY  
SHERIFF'S OFFICE, and KING COUNTY  
DEPUTY SHERIFF CAESAR MOLINA.

Defendants.

NO.

**COMPLAINT FOR DAMAGES for  
VIOLATION OF CIVIL RIGHTS  
42 U.S.C. § 1983, and under WASHINGTON  
STATE LAW: TORTS OF WRONGFUL  
DEATH (RCW 4.20.020) & SURVIVAL  
ACTION (RCW 4.20.060), NEGLIGENCE,  
NEGLIGENT TRAINING and  
RECKLESS/NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS, and  
TORT OF OUTRAGE**

**Jury Trial Requested**

1 Plaintiffs Le, Ho, and Nguyen by and through their attorneys Campiche Arnold, PLLC and for  
2 this Complaint allege:

3  
4 **1. JURISDICTION AND VENUE**

5 1. This action is brought  
6 pursuant to 42 U.S.C. § 1983 for violation  
7 of the Fourth and Fourteenth Amendments  
8 to the United States Constitution, and  
9 various Washington State constitutional,  
10 statutory, and common law tort claims.  
11 This Court has original jurisdiction over the  
12 plaintiffs' claims for violations of the  
13 United States Constitution and the  
14 deceased Tommy Le's civil rights, pursuant  
15 to 28 U.S.C. §§ 1331, 1343, and 1376 *et. seq.*



16 2. Venue is appropriate in the U.S. District Court, Western District of Washington at  
17 Seattle, pursuant to 28 U.S.C. § 1391 because the defendants are all believed to reside in the district,  
18 the municipal corporations of Martin Luther King Jr. County (King County), and the King County  
19 Sheriff's Office is located in the district, the plaintiffs all reside in the district, and because the shooting  
20 of Tommy Le and medical treatment occurring in the last hours of his life all occurred in the district.  
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3. There exists a common nucleus of operative facts as to plaintiffs' Washington State and federal claims. As a consequence, this Court has pendent or supplemental jurisdiction over the Washington State claims pursuant to 28 U.S.C. § 1367.

## 2. PARTIES

## 2.A Plaintiffs

4. Plaintiffs are residents of the Western District of Washington, all but one of which reside in Seattle, King County, Washington. Plaintiff Uyen Le is a resident of Snohomish County, Washington.

5. **Boa Xuyen Le is the Court Appointed Personal Representative of the Estate of Tommy Le.**

6. Hoai "Sunny" Le is the father of the deceased Tommy Le.

7. Dieu Ho is the mother of the deceased Tommy Le.

8. Uyen Le and Bao Xuyen Le are the aunts of the deceased Tommy Le.

9. Kim Tuyet Le is the grandmother of the deceased Tommy Le.

10. Quoc Nguyen, Tam Nguyen, Dung Nguyen, Julia Nguyen, and Jefferson Nguyen are the brothers and sisters of the deceased Tommy Le.

## 2.B Defendants

11. At all times relevant to this lawsuit, John Urquhart was the duly elected Sheriff of King County. He is no longer the King County Sheriff.

12. At all times relevant to his lawsuit, Dow Constantine is and was the duly elected King County Executive.

13. King County is a political sub-division of the State of Washington with the right to sue and be sued in its own name and stead.

3           15.       King County Deputy Sheriff Caesar Molina is and was a King County Deputy Sheriff  
4 employed by Defendant King County Sheriff's Office, who on June 14<sup>th</sup>, 2017, under the color of state  
5 law and acting in the scope of his employment as a King County Deputy Sheriff, shot and killed Tommy  
6 Le.

8           16.     A Claim for Damages and Amended Claim were properly filed with Defendants King  
9     County, and the King County Sheriff. More than 60 days has passed without a response from any  
10    defendant. Attached hereto, as Attachment No. 1, is a copy of Plaintiffs' Amended Claim for Damages,  
11    which by this reference is incorporated in this Complaint.

13 17. Pursuant to Fed. R. Civ. Pro. 38, plaintiffs hereby request a trial by jury.

15 | 18. On June 14<sup>th</sup>, 2017, Tommy Le was scheduled to graduate from high school.

17           20.       As is the tradition in many families who immigrate from Vietnam, Tommy Le was raised  
18 by his extended family that included his paternal grandmother, Plaintiff Kim Tuyet Le, his father  
19 Plaintiff Hoai “Sunny” Le, his mother Plaintiff Dieu Ho, his aunts Plaintiffs Boa Xuyen Le and Uyen  
20 Le, and his (half) brothers and sisters, Plaintiffs Quoc Nguyen, Tam Nguyen, Dung Nguyen, Julia  
21 Nguyen, and Jefferson Nguyen.

21. The Le family were Vietnamese refugees to the United States and of the Buddhist faith.

1           22.     Tommy Le was born in the United States of America and was a United States citizen of  
2 Asian descent.

3           23.     The Le family, including Tommy Le, placed a very high value on human life and  
4 opposed the use of violence.

5           24.     Prior to his death, Tommy Le had never been arrested for, much less convicted of a  
6 crime.

7           25.     At the time of his death, Tommy Le was five feet four inches (5'4") tall and weighed  
8 120 pounds, and was substantially smaller in stature and weight than the much larger and physically fit  
9 King County Deputy Sheriffs who were involved in his death.

10          26.     The King County Deputy Sheriffs involved in Tommy Le's death were not Asian.

11          27.     At the time relevant to this lawsuit, Defendants King County Executive Dow  
12 Constantine, then King County Sheriff John Urquhart, King County, and the King County Sheriff's  
13 Office had a duty to properly select, train, and supervise King County Deputy Sheriffs to understand  
14 and comply with the requirements of the United States Constitutional limitations on the use of deadly  
15 force, to employ less than lethal methods of detaining individuals including individuals who appear to  
16 be suffering from some type of mental illness or delusions, and to de-escalate encounters with  
17 individuals who appear hostile, impaired, emotional, or mentally disturbed, to restrain from racially  
18 selective police practices and to avoid the use of deadly force unless necessary to protect against  
19 immediate danger of death or serious injury to officers or others.

20          28.     At the time relevant to this lawsuit, Defendants King County Executive Dow  
21 Constantine, then King County Sheriff John Urquhart, King County, and King County Sheriff's Office  
22 breached their duty to properly select, train, and supervise King County Deputy Sheriffs to understand  
23 and comply with the requirements of the United States Constitutional limitations on the use of deadly

1 force, to employ less than lethal methods of detaining individuals including individuals who appear to  
2 suffering from some type of mental illness or delusions, and to de-escalate police encounters with  
3 individuals who appear hostile, impaired, emotional, or mental disturbed, to restrain from racially  
4 selective police practices and to avoid the use of deadly force unless necessary to protect against  
5 immediate danger of death or serious injury to officer or others.

6 29. In June 2017 King County Deputy Sheriff Caesar Molina was employed as a King  
7 County Sheriff's Deputy.

8 30. On June 14<sup>th</sup>, 2017 in King County, Washington, King County Deputy Sheriff Caesar  
9 Molina shot and killed Tommy Le.

10 31. At the time that King County Deputy Sheriff Caesar Molina shot and killed Tommy Le,  
11 King County Deputy Sheriff Caesar Molina was acting under the color of state law and within the scope  
12 and course of his employment as a King County Deputy Sheriff.

13 32. King County Deputy Sheriff Caesar Molina's decision to employ deadly force and to  
14 shoot and kill unarmed Tommy Le in the back was in part caused by the negligent failure of his  
15 employer's selection, training, and supervision of King County Deputy Sheriffs, including the failure  
16 to properly emphasize and train the deputies to restrain from racially selective police practices, in  
17 effective de-escalation techniques and non-lethal methods of detention and arrest.

18 33. The named defendants and all law enforcement officers, including the King County  
19 Sheriff's Office, have a duty to protect human life.

20 34. Law enforcement officers have a duty to help individuals suffering from a period of  
21 emotional and mental impairment.

1           35. King County Deputy Sheriff Caesar Molina had a legal duty to restrain from racially  
2 selective police practices, to employ de-escalation techniques and non-lethal detention methods to  
3 detain Tommy Le, before he shot and killed Tommy Le.

4           36. King County Deputy Sheriff Caesar Molina did not restrain from racially selective  
5 police practices, use de-escalation and effective non-lethal techniques to detain Tommy Le before he  
6 shot and killed Tommy Le.

7           37. King County Deputy Sheriff Caesar Molina did not effectively use available and  
8 effective non-lethal techniques to detain Tommy Le before he shot and killed Tommy Le.

9           38. The King County Deputy Sheriffs who were at the scene of the incident that led to the  
10 death of Tommy Le did not employ available and effective de-escalation techniques with Tommy Le  
11 before Tommy Le's death.

12           39. Deputy Sheriffs and defendants, including King County Deputy Sheriff Caesar Molina,  
13 did not have probable cause to believe that Tommy Le posed an imminent threat of death or serious  
14 physical injury to King County Deputy Sheriff Caesar Molina, the other King County Deputy Sheriffs,  
15 or to others, at the time that King County Deputy Sheriff Caesar Molina employed deadly force on  
16 Tommy Le.

17           40. Tommy Le was unarmed when King County Deputy Sheriff Caesar Molina shot and  
18 killed Tommy Le.

19           41. All of the King County Deputy Sheriffs present at the time and place where Tommy Le  
20 was fatally shot were all armed with lethal and non-lethal weapons.

21           42. All of the King County Deputy Sheriffs present at the time and place where Tommy Le  
22 was fatally shot were physically stronger, larger, and more physically capable than Tommy Le and  
23 were trained in physical defensive tactic including "take down" movements.



43. The King County Sheriff's Office claims that at the time Tommy Le was shot by King County Deputy Sheriff Caesar Molina, Tommy Le possessed a black Papermate "1.0 m" ballpoint medium point ink pen.



44. The Papermate ballpoint medium point ink pen thought to be held by Tommy Le when he was shot was not a weapon and could not inflict death or serious physical injury

45. At the time of the shooting, Tommy Le was wearing shorts and a T-shirt.

46. At the time of the shooting, there was no place to conceal a knife or weapon on Tommy Le's person.

47. In his post shooting statement, King County Deputy Sheriff Caesar Molina did not claim to have seen a knife or deadly weapon in Tommy Le's hands.

48. A TASER™ or tazer (taser) is an electrical weapon that when properly deployed fires two dart-like electrodes, which stay connected to the weapon and deliver an electric charge that immobilizes the person "tazed".

49. King County Deputy Sheriffs Molina and Owen both independently attempted to tase Tommy Le in the chest before King County Deputy Sheriff Caesar Molina fatally shot Tommy Le with a 9mm handgun.

50. The maximum range of the tasers Defendant King County Deputy Sheriffs deployed against Tommy Le was 25 feet.

COMPLAINT FOR DAMAGES – 8

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1           51.     The tasers the Defendant King County Deputy Sheriffs deployed against Tommy Le  
2     were ineffective due to improper maintenance, deployment, or use.

3           52.     Defendants King County Deputy Sheriff Molina and other King County Deputy Sheriffs  
4     made a decision not to employ available and effective de-escalation tactics or non-lethal methods of  
5     detaining Tommy Le.

6           53.     At the time, place, and circumstances of Tommy Le's shooting death, the proper use of  
7     alternative non-lethal methods, de-escalation tactics, and physical non-lethal force would have  
8     effectively detained Tommy Le.

9           54.     The use of deadly force was not necessary to detain Tommy Le.

10          55.     The use of deadly force was not necessary to protect the King County Deputy Sheriffs  
11     or other individuals present from imminent death or serious physical injury.

12          56.     King County Deputy Sheriff Caesar Molina shot Tommy Le three times in the back with  
13     a 9 mm handgun.

14          57.     The 9 mm bullets used to shoot and kill Tommy Le were hollow point 9mm bullets,  
15     which is an expanding bullet with a hollowed-out tip designed to expand and flatten when it enters a  
16     human body so as to disrupt more tissue as it travels through the person's body.

17          58.     The use of hollow point ammunition in warfare is barred by The Hague Convention;  
18     the relevant portion of which reads: "*the contracting parties agree to abstain from the use of bullets*  
19     *which expand or flatten easily in human body. . .*"  
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59. The King County Medical Examiner described the gunshot wounds that caused Tommy Le's death:

a. *"penetrating handgun wound of the left lateral back with the entrance wound, left lateral back, (4.24 inches to the left of midline and 42.5 inches superior to the heels) perforation of the left kidney, spleen and liver, and the bullet recovered from the right anterior chest wall." The path of the bullet "back to front, left to right, and slightly upwards"*

b. *"penetrating handgun wound of the medial left back, (0.5 inches to the left of midline and 40.5 inches superior to the heels) with entrance wound, medial left back, perforation of the right kidney and liver and the bullet recovered from right lateral chest wall." The path of the bullet is back to front, left to right and slightly upwards".*

c. *Perforation handgun wound of the left wrist, entrance wound, ulnar left wrist, perforation of the soft tissues and 5<sup>th</sup> metacarpal bone, with exist wound, palmar left hand".*

60. Bullet wounds that penetrate the kidney, liver, and spleen are very painful and after a period of time, usually fatal.

61. After Tommy Le had turned away from King County Deputy Sheriff Caesar Molina and from the other officers and citizens, King County Deputy Sheriff Caesar Molina shot Tommy Le twice in the mid back and one time in his wrist at close range with a 9 mm handgun.

62. At the moment King County Deputy Sheriff Caesar Molina shot to kill Tommy Le, Tommy Le was not advancing towards Deputy Molina or the other deputies or persons.

63. No other person was struck by bullets.

64. Several bullets shot by King County Deputy Sheriff Caesar Molina at Tommy Le missed Tommy Le and lodged in a home across the street.

65. The King County Sheriff's Office issued King County Deputy Sheriff Caesar Molina the 9 mm handgun he used to shoot and kill Tommy Le.

1           66.     Tommy Le did not touch or inflict any wounds on any of the King County Deputy  
2     Sheriffs or other persons present at the time that King County Deputy Sheriff Caesar Molina shot and  
3     killed Tommy Le.

4           67.     King County Deputy Sheriff Caesar Molina shot Tommy Le in the back, twice in his  
5     mid-back and once in the back of his forearm.

6           68.     At the time King County Deputy Sheriff Caesar Molina shot Tommy Le in the back,  
7     Tommy Le was unarmed.

8           69.     At the time King County Deputy Sheriff Caesar Molina shot Tommy Le in the back  
9     Tommy Le was walking away from King County Deputy Sheriff Caesar Molina, Deputy Owen, the  
10    other King County Deputy Sheriffs and other present persons.

11          70.     At the time King County Deputy Sheriff Caesar Molina shot Tommy Le, Tommy Le  
12    lacked the present capacity to cause serious physical injury or death to King County Deputy Molina,  
13    the other deputy Sheriffs, or any other individuals present.

14          71.     At the time King County Deputy Sheriff Caesar Molina shot Tommy Le in the back, he  
15    knew or had sufficient information for a reasonably competent police officer to know or suspect that  
16    Tommy Le was suffering from some type of mental impairment or confusion and required assistance.

17          72.     At the time King County Deputy Sheriff Caesar Molina shot and killed Tommy Le, there  
18    were not objective facts providing probable cause to believe that the unarmed 120 pound Tommy Le  
19    presented an imminent risk of causing serious physical injury or death to the King County Sheriff  
20    Deputies or other individuals.

21          73.     At the time of the fatal shooting, Tommy Le was in the presence of a number of armed,  
22    trained, and equipped King County Deputy Sheriffs who were all wearing protective clothing.

1           74. Any one of the King County Deputy Sheriffs present when King County Deputy Sheriff  
2 Caesar Molina shot to kill Tommy Le was capable of physically detaining, seizing, or restraining  
3 Tommy Le by employing less than deadly force.

4           75. Together the several King County Deputy Sheriffs were capable of physically detaining,  
5 seizing, or restraining Tommy Le by employing less than deadly force.

6           76. At the time King County Deputy Sheriff Caesar Molina shot to kill Tommy Le, it was  
7 not necessary to employ deadly force to detain, seize, or restrain Tommy Le.

8           77. King County Deputy Sheriff Caesar Molina knew that the use of deadly force was not  
9 necessary to detain, seize, or restrain Tommy Le.

10          78. King County Deputy Sheriff Caesar Molina knew that there were available effective  
11 alternative methods to the use of deadly force to detain, seize, or restrain Tommy Le.

12          79. King County Deputy Sheriff Caesar Molina's use of deadly force to detain, seize, or  
13 restrain Tommy Le constituted use of excessive (deadly) force.

14          80. King County Deputy Sheriff Caesar Molina's use of excessive (deadly) force to seize  
15 Tommy Le violated Tommy Le's United States Constitutional Fourth Amendment right to be free from  
16 unreasonable seizure.

17          81. King County Deputy Sheriff Caesar Molina's use of excessive (deadly) force to seize  
18 Tommy Le constituted racially selective use of deadly force and violated Tommy Le's United States  
19 Constitutional 14<sup>th</sup> Amendment right to be free racially based selective policing practice and use of  
20 deadly force.

21          82. After King County Deputy Sheriff Caesar Molina shot Tommy Le three times, the King  
22 County Deputy Sheriff handcuffed Tommy Le despite the profuse bleeding from his very serious bullet  
23 wounds.

1           83. A competent police officer would have known that the use of deadly force to detain,  
2 seize, or restrain Tommy Le, violated clearly established statutory and constitutional prohibitions on  
3 the use of deadly force and violated Tommy Le's state and federal constitutional rights to be free from  
4 the use of excessive, deadly force.

5           84. A competent police officer would have known that the use of deadly force to detain,  
6 seize, or restrain Tommy Le, violated clearly established statutory and constitutional prohibitions on  
7 the use of racially selective deadly force and violated Tommy Le's state and federal constitutional rights  
8 to be free racially selective policing practices and deadly force.

9           85. King County Deputy Sheriff Caesar Molina knew or a reasonable law enforcement  
10 officer would have known that the use of deadly force upon the fleeing unarmed Tommy Le violated  
11 Tommy Le's clearly established statutory and constitutional rights to be free of excessive force upon  
12 detention or arrest.

13           86. The King County Sheriff's Office use of deadly force to detain, seize, or restrain Tommy  
14 Le, violated clearly established statutory and constitutional rights.

15           87. The King County Sheriff's Office use of deadly force to detain, seize, or restrain Tommy  
16 Le was unlawful.

17           88. The King County Sheriff's Office knew that King County Deputy Sheriff Caesar  
18 Molina's use of deadly force to detain, seize, or restrain Tommy Le violated clearly established  
19 statutory and constitutional rights.

20           89. The King County Sheriff's Office knew that the King County Sheriff's Office use of  
21 deadly force to detain, seize, or restrain Tommy Le violated clearly established statutory and  
22 constitutional rights.

1           90.     King County Deputy Sheriff Caesar Molina knew, or should have known, that the use  
2 of deadly force to detain, seize, or restrain Tommy Le violated clearly established statutory and  
3 constitutional rights.

4           91.     King County Deputy Caesar Molina knew, or should have known, that racial selective  
5 law enforcement is prohibited by both state and federal statutes and constitutions.

6           92.     One factor that influenced King County Deputy Sheriff Caesar Molina's decision to  
7 employ deadly force by shooting unarmed Tommy Le was Tommy Le being of Asian decent.

8           93.     Racially selective enforcement of the law including the employment of deadly force  
9 violates the equal protection clause of the 14<sup>th</sup> Amendment of the United States Constitution.

10          94.     King County Deputy Sheriff Caesar Molina's use of deadly force upon the unarmed  
11 Tommy Le violated Tommy Le's United States Constitutional 14<sup>th</sup> Amendment right that citizens of  
12 all races are to receive equal treatment by law enforcement.

13          95.     Clearly established statutory and case law restrict the employment of deadly force to  
14 situations where objective facts support the conclusion that the use of deadly force is necessary for a  
15 police officer to protect against imminent risk of serious physical injury or death.

16          96.     The King County Deputy Sheriffs, including King County Deputy Sheriff Caesar  
17 Molina and the Deputy Sheriffs present when Deputy Molina shot to kill Tommy Le, knew that the use  
18 of deadly force to detain, seize, or restrain Tommy Le violated clearly established statutory and  
19 constitutional rights.

20          97.     The King County Sheriff's Office knew that at the time King County Deputy Sheriff  
21 Caesar Molina shot to kill Tommy Le, Tommy Le was not armed with a knife or other weapon capable  
22 of inflicting serious injury or death.



1           98. Prior to speaking with the press, public, and the Le family, the King County Sheriff's  
2 Office knew that Tommy Le was not armed with a knife or other dangerous object when he was shot  
3 and killed by King County Deputy Sheriffs.

4           99. At the time and place that King County Deputy Sheriff Caesar Molina shot to kill  
5 Tommy Le, there were at least five (5) armed deputy sheriffs present, who were capable of physically  
6 restraining and arresting the unarmed 120 pound student without the use of deadly force.

7           100. After being shot through the back into his vital organs and prior to his death, Tommy  
8 Le endured hours of pre-death pain and suffering.

9           101. After King County Deputy Caesar Molina Shot Tommy Le, the King County Deputy  
10 Sheriffs handcuffed Tommy Le despite the fact that he was bleeding profusely from mortal wounds.

11           102. King County Sheriff Deputy Caesar Molina knowingly violated Tommy Le's United  
12 States Constitutional right to be free of excessive force upon detention and arrest in violation of 42  
13 U.S.C. § 1983.

14           103. After being shot, Tommy Le was transported by Aid Car to Harborview Medical Center  
15 in Seattle, and died of the wounds inflicted by King County Deputy Sheriff Caesar Molina.

16           104. Knowing that the use of deadly force to detain, seize, or restrain unarmed Tommy Le  
17 violated clearly established statutory and constitutional rights, the King County Sheriff's Office  
18 intentionally concealed the fact that Tommy Le was unarmed when he was shot and killed.

19           105. Knowing that use of deadly force to detain, seize, or restrain unarmed Tommy Le  
20 violated clearly established statutory and constitutional rights, the King County Sheriff's Office  
21 intentionally concealed the fact that Tommy Le was shot two times in the back.

22           106. Knowing that the use of deadly force to detain, seize, or restrain the unarmed Tommy  
23 Le violated clearly established statutory and constitutional rights, the King County Sheriff's Office

1 intentionally misstated to the public that, *"Tommy Le was shot because he was attacking the deputies*  
2 *with a knife"*.

3 107. Knowing that Tommy Le was unarmed when he was shot by King County Deputy  
4 Sheriffs, representatives of the King County Sheriff's Office, went to the Le family home and told the  
5 Le family members that, *"Tommy Le was shot because he was attacking the deputies with a knife"*.

6 108. Knowing that use of deadly force to detain, seize, or restrain the unarmed Tommy Le  
7 violated clearly established statutory and constitutional rights, the King County Sheriff's Office  
8 intentionally misstated to Tommy Le's family that Tommy Le was armed with a knife and was  
9 attacking the Sheriff Deputies with a knife when he was shot and killed.

10 109. It was reasonably foreseeable to defendants that the unlawful killing of Tommy Le  
11 would cause the Le family to suffer emotional and psychological harm.

12 110. Defendants unlawful, reckless, and/or negligent shooting and killing of Tommy Le, an  
13 unarmed 120 pound high school student, caused the Le family emotional distress and psychological  
14 harm.

15 111. It was reasonably foreseeable to Defendant King County Sheriff's Office that  
16 misrepresenting to the public, press, and to the Le family privately that Tommy Le was armed with a  
17 knife and was attacking the Sheriff's deputies with a knife when he was shot and killed would cause  
18 additional emotional and psychological harm to the Le family.

19 112. The Le family members, Plaintiffs Hoai "Sunny" Le, Tommy Le's father, Dieu Ho,  
20 Tommy Le's mother, Bao Xuyen Le and Uyen Le, Tommy Le's aunts, Kim Tuyet Le, Tommy Le's  
21 grandmother, and Quoc Nguyen, Tam Nguyen, Dung Nguyen, Julia Nguyen, and Jefferson Nguyen  
22 Tommy Le's brothers and sisters, suffered avoidable humiliation and emotional and psychological  
23

1 harm as a result of the King County Sheriff's Office's intentional misrepresentations that Tommy Le  
2 was armed with and attacking Deputy Sheriffs with a knife when he was shot and killed.

3 113. The actions of the King County Sheriff's Office in knowingly misrepresenting to the  
4 public, press, and family that at the time Tommy Le was shot, "*Tommy Le was armed with knife and*  
5 *shot because he was attacking deputy sheriffs with a knife*", and the actions of conspiring to conceal  
6 the truth that Tommy Le was unarmed when he was shot in the back was intentional or reckless and  
7 constitutes outrageous conduct that was so extreme and outrageous in degree and character as to go  
8 beyond all possible bounds of decency and should be regarded as atrocious and utterly intolerable in a  
9 civilized community.

10 114. Plaintiffs, the Le Family, maintained a close loving relationship with the deceased,  
11 Tommy Le, who was raised with his parents, aunts, grandmother, and family members. The unlawful  
12 death of Tommy Le has resulted in Decedent Tommy Le's parents, grandmother, aunts, and siblings'  
13 loss of the benefit and enjoyment of the parent/child, grandmother/grandson, aunts/nephew, and  
14 siblings' relationships.

15 115. A contributing cause of the death of Tommy Le, and the violation of his Washington  
16 state and federal constitutional rights to be free of unreasonable seizure, was the unconstitutional  
17 policies, practices, and operating procedures of the King County Sheriff's Office.

18 116. A contributing cause of the death of Tommy Le, and the violation of his Washington  
19 state and federal constitutional rights to be free of unreasonable seizure, was the improper selection,  
20 training, and supervision of Deputy Sheriffs by the King County Sheriff's Office.

21 117. A contributing cause of the death of Tommy Le was the negligence of the King County  
22 Deputies present at the scene of the shooting and of the King County Sheriff's Office.

1           118. The negligence of the King County Sheriff's Office was a contributing cause of the  
2 death of Tommy Le.

3           119. The negligence of King County Sheriff John Urquhart was a contributing cause of the  
4 death of Tommy Le.

5           120. King County Sheriff John Urquhart failed to develop, implement, and supervise policies  
6 and practices that assured that Deputy Sheriffs were properly selected, trained, instructed, and  
7 supervised regarding the constitutional restrictions upon, and the effective alternatives to, the use of  
8 deadly force against suspects who appear to be disturbed or confused persons suffering from some type  
9 of emotional or mental disorder and on racially selective law enforcement.

10           121. The negligence of King County, King County Sheriff John Urquhart, and the King  
11 County Sheriff's Office includes, but was not limited to: the negligent selection, training, assignment,  
12 and supervision of King County Deputy Sheriffs Caesar Molina and Owens.

13           122. The negligence of the King County, King County Sheriff John Urquhart, and the King  
14 County Sheriff's Office includes, but is not limited to: failure to employ effective de-escalation tactics;  
15 failure to employ available non-lethal alternative methods to detain, seize, or restrain Tommy Le;  
16 negligent selection, training, assignment, and supervision of deputy sheriffs; failure to properly train  
17 and encourage deputies in the effective use of de-escalation and alternative non-lethal methods to  
18 detain, seize, and restrain individuals including individuals suffering from apparent mental or  
19 psychological episodes; and, other actions and non-actions to be proven at trial.

20           123. Several weeks after Tommy Le was shot and killed by King County Deputy Sheriffs,  
21 the then King County Sheriff John Urquhart went to the Le family home and told the Le family  
22 members that given the facts of the case, "*he would not have shot Tommy Le.*"

125. By virtue of the facts set forth above, all the defendants are liable for compensatory and punitive damages for the deprivation of the civil rights of the deceased Tommy Le, which is guaranteed by the Fourth Amendment to the United States Constitution and 42 U.S.C. § 1983 to be free from unreasonable seizure of his person in the form of the Deputy Sheriffs' use of excessive (deadly) force.

127. By virtue of the facts set forth above, all the defendants are liable for compensatory and punitive damages for the deprivation of the civil rights of the deceased Tommy Le which are guaranteed by the 14<sup>th</sup> Amendment to the United States Constitution and 42 U.S.C. § 1983, to be free of racially selective law enforcement and/or the use of deadly force.

21 129. By virtue of the facts set forth above, all the defendants are liable for compensatory and  
22 punitive damages for the deprivation of the civil rights of, defined as the liberty interests of the deceased

Tommy Le's parents, Dieu Ho and Hoai "Sunny" Le, for the loss of companionship and society of their adult child Tommy Le guaranteed by the 14<sup>th</sup> Amendment to the United States Constitution and 42 U.S.C. § 1983.

**7. SECOND CAUSE OF ACTION:**

**Washington State Law Claim of Wrongful Death RCW 4.20.020  
and Survival Action RCW 4.20.046**

130. Due to the facts set forth above, all the defendants are liable to the Estate of Tommy Le for compensatory damages for negligently causing the death of Tommy Le.

**8. THIRD CAUSE OF ACTION:**

**Washington State Law Claim for the Tort of Outrage**

131. By virtue of the facts set forth above, all the defendants are liable to Plaintiffs, the Le family members, for the tort of outrage.

**9. FOURTH CAUSE OF ACTION:**

**Washington State Law Claims for Reckless or Negligent Infliction of Emotional Distress**

132. By virtue of the facts set forth above, all the defendants are liable to Plaintiffs, the Le family members, for reckless or negligent infliction of emotional distress.

**10. FIFTH CAUSE OF ACTION:**

**Negligent Selection, Training, and Supervision**

133. By virtue of the facts set forth above, Defendants Dow Constantine, King County Executive, King County, John Urquhart, former King County Sheriff, and the King County Sheriff's Office, and each of them, are liable to plaintiffs Le estate and family for negligent selection, training, and supervision of the King County Deputy Sheriffs, including Deputy Sheriff Caesar Molina.

**11. SIXTH CAUSE OF ACTION**



***Respondeat Superior***

128. By virtue of the facts set forth above, Defendant King County and the King County Sheriff's Office are liable under the doctrine of *respondeat superior* for the negligent acts of their employees, the King County Deputy Sheriffs, including King County Deputy Sheriff Caesar Molina, who were at the time of shooting of Tommy Le acting in the course of and in the scope of their employment with King County and the King County Sheriff's Office.

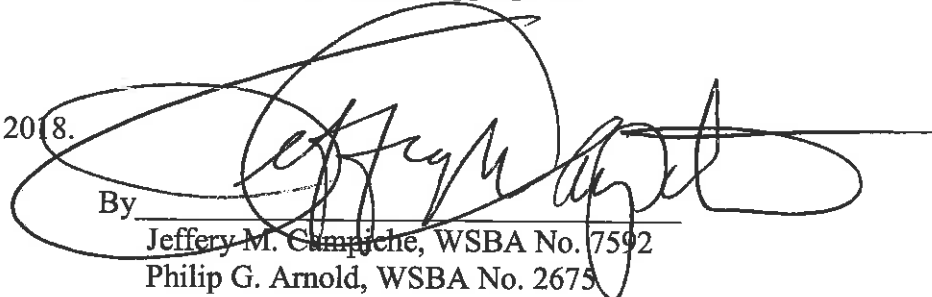
**12. RELIEF REQUESTED**

129. Plaintiffs request the Court enter judgment for the plaintiff for:

1. Compensatory damages in excess of \$75,000.00;
2. General damages to be proven at trial;
3. Punitive damages as the jury finds just and proper;
4. Prejudgment interest on liquidated damages;
5. Attorney fees and litigation costs as determined by the Court;
6. Other such remedies as this Court deems appropriate.

DATED January 16<sup>th</sup>, 2018.

By

  
Jeffery M. Campiche, WSBA No. 7592  
Philip G. Arnold, WSBA No. 2675  
Linda Tran, WSBA No. 50109  
Jacqueline Hackler, WSBA No. 52636  
CAMPICHE ARNOLD PLLC  
Attorneys for Plaintiffs Le family  
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4                   smacias@campichearnold.com  
5                   lharris@campichearnold.com  
6                   slandholm@campichearnold.com

**Estate of Tommy Le & the Le Family's  
AMENDED NOTICE OF CLAIM (page 2, ¶ 4)  
To King County, King County Sheriff's Office, &  
John Urquhart, King County Sheriff**

**Mail or deliver  
Original claim  
to:**

**Martin Luther King Jr. County  
King County Sheriff  
John Urquhart, King County Sheriff  
Caesar Molina, King County Deputy Sheriff  
King County Clerk of the Council  
King County Courthouse  
Room W-1200  
516 Third Avenue  
Seattle, WA 98104**



**RECEIVED  
2017 SEP -7 PM 4:17  
CLERK  
KING COUNTY COUNCIL**

**CLAIMANT INFORMATION:**

**1. Claimants' names: Estate of Tommy Le  
Personal Representative Xuyen Le and the Le Family:  
Hoai "Sunny" Le, Father; Dieu Ho, Mother; Uyen Le  
and Xuyen Le, Aunts; Kim Tuyet Le, Grandmother;  
Quoc Nguyen, Tam Nguyen, Dung Nguyen, Julia  
Nguyen, and Jefferson Nguyen, brothers and sister; of  
the deceased Tommy Le.**

**2. Current residential address:  
c/o Campiche Arnold PLLC**

**3. Mailing address (if different):  
  
c/o Attorneys Jeffery M. Campiche & Linda D. Tran  
CAMPICHE ARNOLD PLLC  
Market Place Tower  
2025 First Avenue, Suite 830  
Seattle, WA 98121  
Tele: 206.281.9000 Facsimile: 206.281.9111  
Email addresses:  
jcampiche@campichearnold.com  
ltran@campichearnold.com  
lharris@campichearnold.com**

4. Residential address for six months prior to the date of the incident (if different from current address):

**Same as No. 2. & 3.**

5. Claimant's daytime telephone number:

**c/o Jeffery M. Campiche & Linda D. Tran  
206.281.9000**

6. Claimant's e-mail address:

**c/o jcampiche@campichearnold.com  
ltran@campichearnold.com  
lharris@campichearnold.com**

### **INCIDENT INFORMATION**

7. Date of the incident(s): **June 14<sup>th</sup>, 2017**

### **FACTS**

On June 14<sup>th</sup>, 2017 King County Deputy Sheriff Caesar Molina, shot and killed unarmed 120 pound Tommy Le in Burien, WA. Deputy Molina shot the unarmed student twice in the back.

Tommy Le, a member of a large lawful Vietnamese refugee family residing here in King County, was a thoughtful and kind high school student who was set to graduate later that day.

Tommy Le had no history of violent or criminal behavior. Unarmed and small in stature, 5' 4" and approximately 120 pounds, Tommy Le did not present an imminent risk of serious physical injury or death to the several trained police officers who confronted him, nor was he a risk to any other persons. The deputies did not exhaust effective non-lethal means to detain or help Tommy Le, who the Sheriff's Deputies claim may have been suffering from some type of mental health crisis. It was not necessary for the King County Deputy Sheriff Molina to employ deadly force to protect himself, fellow officers, or others. The decision to use deadly force is believed to be an overreaction from poorly trained officers, the result of a failure of policy and procedures in the King County Sheriff's Office as well as negligent selection and hiring, and the inadequate training and supervision of King County's Deputy Sheriffs - including Deputy Sheriff Caesar Molina.

After the shooting death of Tommy Le, the King County Sheriff's Office chose to conceal the truth that Tommy Le was unarmed when he was shot in the back – twice. The Sheriff's Office and its Public Information Officer (PIO) - affirmatively released untrue facts stating that Tommy Le was attacking the deputies with a knife when he was shot. The King County Sheriff's Office knew within minutes of the shooting that Tommy Le was unarmed and shot in the back. Several days later, ~~the King County Sheriff John Urquhart~~ and King County Deputy Sheriffs went to the Le's family home and deliberately ~~lied~~

*misrepresented* to the family, telling them that Tommy Le was shot dead because he was “attacking the deputies with a knife”. The family was not told that Tommy was unarmed when he was shot in the back. This intentional fabrication caused the Le family predictable needless emotional harm and humiliation.

### **LEGAL CLAIMS**

#### **Estate of Tommy Le’s Claim of Damages for Washington Wrongful Death & 42 USC § 1983 and the Violations of Deceased Tommy Le’s Federal Civil Rights**

#### **Violation of Tommy Le and the Le Family’s Civil Rights, 42 USC § 1983, and Washington Wrongful Death/Survivorship Claims, and Negligent Infliction of Emotional Distress and the Tort of Outrage**

Xuyen Le, the duly appointed Personal Representative of the Estate of Tommy Le, (King County Superior Court Number 17-4-04798-5) hereby notifies Martin Luther King Jr. (King) County, The King County Sheriff’s Office, John Urquhart, King County Sheriff, and Caesar Molina, Deputy King County Sheriff, of her intention to file suit for monetary and punitive damages in the United States District Court for Western Washington at Seattle. The suit will allege that under the color of state law, Caesar Molina, a King County Deputy Sheriff, shot and killed Tommy Le, an unarmed 120 pound student in violation of Tommy Le’s United States’ Constitutional 4<sup>th</sup> Amendment right to be free from the application of excessive deadly force by police officers. Deputy Sheriff Molina’s use of deadly force under the circumstances constituted excessive force and an unreasonable seizure. The Estate of Tommy Le seeks redress for his death under 42 USC § 1983, applicable Washington state wrongful death/survivorship laws, federal laws, and both state and federal legal remedies.

A substantial contributing cause of Tommy Le’s wrongful death and deprivation of civil rights was the unconstitutional policies, practices and operating procedures of Martin Luther King Jr. County (King County), the King County Sheriff’s Office, and the failure of King County Sheriff John Urquhart, who was the final policy maker at the King County Sheriff’s Office, to develop, implement and supervise policies that assured that deputy sheriffs were properly selected, trained, instructed, and supervised regarding the constitutional restrictions upon and effective alternatives to the use of deadly force against citizens including individuals who appear to be a disturbed or confused person suffering from some type of emotional or mental disorder.

### **Tommy Le's Family's Civil Rights Claims**

Tommy Le's Father, Hoai "Sunny" Le; Mother, Dieu Ho; Aunts, Uyen Le and Xuyen Le; Grandmother, Kim Tuyet Le; brothers and sister, Quoc Nguyen, Tam Nguyen, Dung Nguyen, Julia Nguyen, and Jefferson Nguyen; of the deceased Tommy Le hereby notify Martin Luther King Jr. County (King County), the King County Sheriff's Office, John Urquhart, King County Sheriff, and Caesar Molina, Deputy King County Sheriff of their intention to file suit for monetary & punitive damages in the United States District Court for Western Washington at Seattle for the violation of civil rights including the family member's US Constitutional 5<sup>th</sup> and 14<sup>th</sup> amendment liberty right to the family relationship and consortium with the deceased, Tommy Le, and as well as harms caused by the negligence and outrageous conduct of the named King County Officials related to the concealment. In addition to the private and public misrepresentation of the facts surrounding the death of Tommy Le including, but not limited to: misstating that Tommy Le was armed and attacking the deputy sheriffs and other individuals when he was shot and killed by King County Deputy Sheriff Molina. It was foreseeable that such an untrue statement would and in fact did cause emotional harm to the family members. Such behavior of concealing the truth from the public and announcing misstatements to the family constitute the Tort of Outrage under Washington state law.

### **Washington State Torts of Negligence: Infliction of Emotional Distress and Outrage**

The Le family is a family of non-violent and law-abiding Vietnamese Refugees/Immigrants of the Buddhist faith, who fled the violent police state of Vietnam in the 80s and early 90s. Like most Buddhists, Tommy Le and the entire Le family do not tolerate or participate in violence. None of the Le family have committed crimes and certainly no acts of violence. King County Sheriff John Urquhart and King County Deputy Sheriff Caesar Molina, and other unknown individuals employed by the King County Sheriff's Office, knowing that Tommy Le was unarmed at the time he was shot dead, conspired to withhold from the press and family the crucial facts that Tommy Le was unarmed at the time he was shot by Deputy Sheriff Molina and that he was shot in the back. The Sheriff's officers also disseminated an untrue account of the shooting of Tommy Le in which the public was told that Tommy Le was attacking the police officers with a knife when he was shot. The sheriff officers concealed the fact that was shot in the back. Certainly, the fact that Tommy Le was unarmed and shot in the back, twice, was known to King County Sheriff's Office when they made the untrue statements. Shortly after Tommy Le's shooting death several King County Sheriff officers came to the Le family home and notified the Le family of Tommy Le's death. These King County Sheriff's personnel told the Le family that Tommy Le was shot because he was attempting to kill the deputy sheriff's that shot him with a knife. The deputies' statements were knowingly untrue, false, and misleading and predictably caused Tommy Le's family members emotional and psychological harm constituting the Washington State torts of negligence infliction of emotional distress and outrage. It was foreseeable that such an untrue statement relating to Tommy Le attacking police officers with a knife would and in fact did cause emotional harm to the family members.



**Parents of Tommy Le, Hoai “Sunny” Le and Dieu Ho, Claim for 42 USC § 1983 deprivation of their US Constitution 5<sup>th</sup> and 14<sup>th</sup> Amendment Liberty Rights in the Relationship with their Adult Child, Tommy Le.**

In addition to violation of Tommy Le’s US Constitutional right to be free of excessive force during arrest or seizure, Tommy Le’s parents, Hoai “Sunny” Le and Dieu Ho, seek compensation for Deputy Molina, Sheriff Urquhart and King County Sheriff and King County’s unconstitutional deprivation of their US Constitutional 5<sup>th</sup> and 14<sup>th</sup> Amendment rights. Under their 14<sup>th</sup> Amendment rights, Deputy Molina, Sheriff Urquhart, King County Sheriff’s Office, and King County acted with deliberate indifference to take away their rights to enjoy their parent/child relationship with their child, Tommy Le.

**9. Location of incident: 136<sup>th</sup> Avenue South and 3<sup>rd</sup> Avenue South, Burien, WA.**

**10. If the incident occurred on a street or highway:**

**Yes, 136<sup>th</sup> Avenue South and 3<sup>rd</sup> Avenue South, Burien, WA.**

**11. Agency or department alleged responsible for damage/injury:**

**King County, King County Sheriff’s Office / John Urquhart, Sheriff**

**12. Names, addresses and telephone numbers of all persons involved in or witness to this incident:**

**The King County Sheriff’s Office has compiled but refused to release witness statements to the representatives of the deceased Tommy Le.**

**Brian Maxrim MD, Associate King County Medical Examiner**

**Richard Harruff MD PhD, King County Medical Examiner**

**King County Medic One**

**13. Names, addresses and telephone numbers of all entity employees having knowledge about this incident:**

**Caesar Molina, King County Deputy Sheriff**

**Matt Paul, King County Deputy Sheriff**

**Tanner Owens, King County Deputy Sheriff**

**King County Deputy Sheriffs who responded (“10 cars”) known to King County but whose identities have been concealed from Tommy Le’s representatives**

**John Urquhart, King County Sheriff**

**Christopher Berringer, Deputy King County Sheriff**

**Adam E. Easterbrook, reporting officer on scene, King County Deputy Sheriff**

**Laurence J. Zimmisky, KCSO Reviewer of Report, King County Deputy Sheriff  
Christo Johnson, Investigator assigned, King County Deputy Sheriff  
Cindy West, King County Sheriff Public Information Officer**

**Donovan Marley, 9-1-1 Responder, EMT-Paramedic – 1265  
Anthony DeSanto, 9-1-1 Responder**

**Harborview Emergency Department Personnel as yet unknown**

**Brian Maxrim MD, Associate King County Medical Examiner  
Richard Harruff MD PhD, King County Medical Examiner**

**Burien residents whose identities are known to King County Sheriff but whose identities have been concealed from Tommy Le's representatives.**

**Deceased Tommy Le's family, c/o Campiche Arnold PLLC.**

**14. Names, addresses and telephone numbers of all individuals not already identified in No. 12 and No. 13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.**

**See above.**

**15. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary:**

**Factual Synopsis: On June 14<sup>th</sup>, 2017 in Burien, King County, Washington, at the corner of 136<sup>th</sup> and 3<sup>rd</sup> Avenue South, King County Deputy Sheriff Caesar Molina unlawfully shot and killed Tommy Le, an unarmed 120 pound student. Deputy Molina shot Tommy in the back - twice. A cause of the killing was King County Sheriff John Urquhart, King County Sheriff's Office and King County's unconstitutional policies and procedures and the negligent training, supervision, and selection of Deputy Molina.**

**Causes include, but are not limited to: Tommy Le's death was caused by the unlawful use of deadly force by King County Deputy Sheriff Caesar Molina. Deputy Molina shot the unarmed 120lb student, Tommy Le in the back. A cause of Tommy Le's killing was King County Sheriff John Urquhart, King County Sheriff's Office and King County's unconstitutional policies and procedures and the negligent selection training, and supervision of Deputy Molina.**

**Harms, Losses and Damages:**

Deprivation of the claimant's US civil rights to be free of unreasonable seizures and to enjoy the family and parent – child relationship, loss of life, future economic loss, pre-death pain and suffering and loss of parent's liberty right in relationship with Tommy Le, their child. Family emotional distress, humiliation, and outrage.

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

9-1-1 King County Medic One Report attached at No. A.

University of Washington Harborview Medical Center Emergency Medicine Department Chart, to be supplemented.

King County Medical Examiner's Report attached at No. B.

See above at No. 12.

18. Please attach documents that support the claim's allegations.

Those records in counsel's possession are produced on the attached CD Rom. Updated copies will be provided upon receipt.

19. Damages:

The Estate of Tommy Le has suffered and claims compensatory damages as determined by a jury but not less than \$10,000,000.00. The Le family seek compensatory damages in the amount to be determined by a jury but not less than \$10,000,000.00. The Estate and family of Tommy Le seek punitive damages as determined by a jury but not less than \$10,000,000.00. The claimants will also seek attorney fees and litigation costs, as determined by the fees and costs incurred in the prosecution of this case.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

September 7, 2017 at Seattle, Washington



\_\_\_\_\_  
Xuyen Le,  
Personal Representative  
of the Estate of Tommy Le



\_\_\_\_\_  
Jeffery M. Campiche, WSBA No. 7592  
Linda D. Tran, WSBA No. 50109

**CAMPICHE ARNOLD PLLC**

**Attorneys for Estate of Tommy Le and the Le family**

**Attachments (not attached to Amendment/Attached to Notice of Claim):**

- A. Medic One Report
- B. King County Medical Examiner's Report